



# **REPORT TO THE DULLES CORRIDOR COMMITTEE**

## **RECOMMENDATION TO APPROVE THE 2015 – 2017 TITLE VI PROGRAM UPDATE FOR THE DULLES CORRIDOR METRORAIL PROJECT**

**MARCH 2015**



## **Purpose**

To request that the Dulles Corridor Committee approve the updated Title VI Program for the Dulles Corridor Metrorail Project and to recommend that the Board of Directors approve the Program Update and authorize its submission to the Federal Transit Administration (FTA).



## Background

Title VI of the Civil Rights Act (CRA) of 1964 seeks to ensure that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Airports Authority receives an FTA grant for construction of the Project and is required to prepare and submit a Title VI Program Update every three years that demonstrates how the Airports Authority intends to meet its Title VI obligations on the Project.

## **Background (continued)**

Since the Airports Authority's last Title VI Program Update submittal in 2011, FTA's revised regulations require the recipient's governing board to approve the Program Update prior to submittal to the FTA.

## Plan Summary

The Airports Authority's 2015 - 2017 Title VI Program Update addresses only those requirements, that are relevant to the Airports Authority's role in the Project and includes:

- Posting of the Airports Authority's Title VI obligations on the Project website and on the prime contractor's jobsite bulletin boards.
- Establishing procedures for investigating and tracking Title VI complaints.

## **Plan Summary (continued)**

- Recording and reporting to the FTA all complaints regarding service where race, color, or national origin is mentioned as the basis for the complaint.
- Establishing a program to provide meaningful assistance and access to Limited English Proficient (LEP) persons.



## **Recommendation**

The Dulles Corridor Committee is requested to approve the updated Title VI Program for the Dulles Corridor Metrorail Project and recommend that the Board of Directors approve the Program Update and authorize its submission to the Federal Transit Administration.



Ronald Reagan Washington National Airport



Dulles Corridor Metrorail Project



Dulles Toll Road



Washington Dulles International Airport



METROPOLITAN WASHINGTON  
AIRPORTS AUTHORITY



**REPORT TO THE DULLES CORRIDOR COMMITTEE  
RECOMMENDATION TO APPROVE THE  
2015 – 2017 TITLE VI PROGRAM UPDATE FOR THE  
DULLES CORRIDOR METRORAIL PROJECT  
MARCH 2015**

**PURPOSE**

The Dulles Corridor Committee is requested to approve the updated Title VI Program for the Dulles Corridor Metrorail Project (see Attachment A) and recommend that the Board of Directors approve the Program update and authorize its submission to the Federal Transit Administration.

**BACKGROUND**

Title VI of the Civil Rights Act (CRA) of 1964 seeks to ensure that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Airports Authority receives federal financial assistance from the Federal Transit Administration (FTA) in connection with the construction of the Dulles Corridor Metrorail Project (Project). The FTA requires the Airports Authority to prepare and submit a Title VI Program Update every three years that demonstrates how the Airports Authority intends to meet its Title VI obligations on the Project.

Since the Airports Authority's last Title VI Program Update submittal in 2011, the FTA has issued revised Circular 4702.1B, effective October 1, 2012. The revised Circular outlines new and enhanced regulatory requirements, including for the first time a requirement for the Airports Authority governing Board's consideration, awareness, and approval of the Program Update prior to submittal to the FTA.

## **TITLE VI PROGRAM UPDATE SUMMARY**

The Airports Authority is leading the capital funding and general oversight of the final design and capital construction program for the Project. The Washington Metropolitan Area Transit Authority (WMATA) will operate the system and manage ongoing operations and maintenance. Since the Airports Authority will have no responsibility for operations, maintenance and future funding after completion of construction, the Airports Authority's 2015 - 2017 Title VI Program Update addresses only those requirements, that are relevant to the Airports Authority's role in the Project. The principal requirements appropriate to the Airports Authority's role in the Project are described below:

*Provide notice to the public regarding the agency's Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI.*

The Title VI notice to the public is posted on the Airports Authority's Project website and on the prime contractor's jobsite bulletin boards.

*Develop procedures for investigating and tracking Title VI complaints filed against the agency, and make the procedures for filing a complaint, including the Title VI complaint form, available to members of the public upon request.*

The Airports Authority has developed procedures for investigating and tracking Title VI complaints and posted the procedures and complaint form on its website.

*Record and report transit-related Title VI investigation, complaints, and lawsuits.*

The Airports Authority will maintain a list of all complaints where race, color, or national origin is mentioned as the basis for the complaint. Complainants will be apprised of their Title VI rights including the ability to take further action by filing a formal Title VI complaint. During the reporting period (2011-2013), the Airports Authority received no complaints of alleged discrimination. If complaints are received during the 2014-2016 reporting period the Airports Authority will use the information gathered from complaints to examine its policies and practices and implement operational changes as appropriate; to detect misconduct in its earliest stages; and identify areas that should be emphasized in future training.

*Provide meaningful access to limited English proficient (LEP) persons, specifically access to benefits, services, information, and other important portions of agency's programs and activities by conducting a Four Factor Analysis to determine the specific language services that are appropriate to provide, and develop a Language Assistance Plan to address the identified needs of the LEP population.*

The Airports Authority had developed a LEP that includes printing and/or posting all recurring communications and public notices in English and Spanish, advertise notices of public meetings in ethnic media, and provide interpreters at Airports Authority events such as public meetings.

### **RECOMMENDATION**

Staff recommends that the Dulles Corridor Committee approves and recommends that the Board of Directors approve the 2015 – 2017 Title VI Program Update and authorize its submission to the FTA.

Prepared by:  
Office of Customer and Concessions  
Development  
Equal Opportunity Programs  
March 2015

## Proposed Resolution

### Approving Title VI Program for Submission to the Federal Transit Administration

WHEREAS, Title VI of the Civil Rights Act of 1964 provides that no person shall, on the grounds of race, color or national origin, be excluded from participating in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance;

WHEREAS, The Airports Authority receives federal financial assistance from the Federal Transit Administration (FTA) in connection with the construction of the Dulles Corridor Metrorail Project (Project);

WHEREAS, The FTA'S Title VI guidance requires the Airports Authority to prepare and submit a Title VI Program every three years that demonstrates how the Airports Authority intends to meet its Title VI obligations;

WHEREAS, The Airports Authority last submitted a Title VI program relating to the Project in 2011, and is now required to submit an updated program to FTA;

WHEREAS, New FTA guidance, issued after the submission of the Airports Authority's Title VI program in 2011, requires that the Board of Directors review and approve the Airports Authority's updated Title VI program prior to its submission to the FTA;

WHEREAS, The Dulles Corridor Committee has reviewed the updated Title VI program relating to the Project, and has recommended that the Board of Directors approve the program and authorize its submission to the FTA; now, therefore, be it

RESOLVED, That the updated Title VI program for the Dulles Corridor Metrorail Project is approved and its submission to the FTA is authorized.

*For Consideration by the Dulles Corridor Committee and  
Board of Directors on March 18, 2015*

# **ATTACHMENT A**

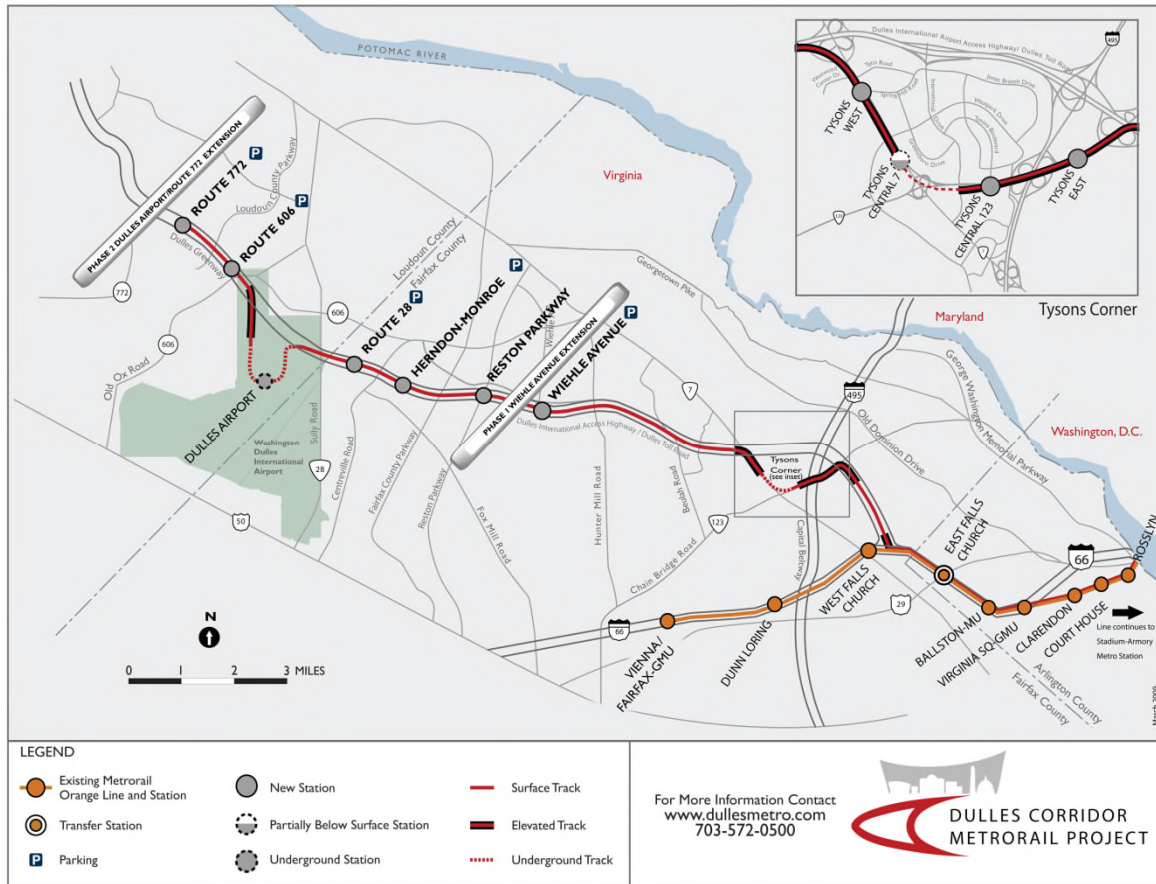
**Metropolitan Washington Airports Authority  
Dulles Corridor Metrorail Project**

**2015-2017 Title VI Program Update**

**Submitted:**

**March 2015**

# METROPOLITAN WASHINGTON AIRPORTS AUTHORITY DULLES CORRIDOR METRORAIL PROJECT 2015-2017 TITLE VI PROGRAM UPDATE



## Background

The Metropolitan Washington Airports Authority (Airports Authority), in cooperation with the Virginia Department of Rail and Public Transportation (VDRPT), Washington Metropolitan Area Transit Authority (WMATA) and the Virginia counties of Fairfax and Loudoun, is planning and constructing an extension to the WMATA Metrorail transit system in the Dulles Corridor area located in Northern Virginia outside of Washington DC. The Dulles Corridor Metrorail Project (DCMP) will consist of a 23.1 mile extension of the region’s existing Metrorail system, 11 new stations, a rail yard site on Washington Dulles International Airport (Dulles Airport) property, and an expansion of the existing rail yard at West Falls Church.

The Project is being constructed in two major phases. The Wiehle Avenue extension (Phase 1) the first segment of the extension from the existing Metrorail Orange Line to Wiehle Avenue in Reston, Virginia is completed and has been turned over to WMATA which now owns and operates this as part of the Metrorail system. The Route 772/Dulles Airport Extension (Phase 2) will complete the remainder of the project and is under construction.

The Airports Authority is leading the capital funding and general oversight of the final design and capital construction program for the project. It should be noted that WMATA will operate the system and manage for ongoing operating and maintenance funding and that the Airports Authority will have no responsibility for operations, maintenance and future expenditures after completion of construction.

As a recipient of FTA grant funds, the Airports Authority is required to submit to FTA the Airports Authority's program demonstrating compliance with Title VI of the Civil Rights Act of 1964, as amended, and as implemented by 49 CFR Section 21.9. This is the Airports Authority's third submission of a Title VI program to FTA. The updated Program is submitted in such form and containing such information as set forth in Chapter III of FTA Circular FTA C 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*, dated October 1, 2012.

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2. Phase 2 Communications and Outreach Plan
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## **1. Title VI Public Notice**

### **Metropolitan Washington Airports Authority's Title VI Policy Statement**

The Metropolitan Washington Airports Authority (Airports Authority) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. No person or group of persons shall be discriminated against with regard to availability or quality of Airports Authority transportation services.

Any person who believes he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint with the Airports Authority within 180 days from the date of the alleged discrimination.

A copy of the Airports Authority's Title VI Policy Statement is posted on the Dulles Corridor Metrorail Project website at [www.dullesmetro.com](http://www.dullesmetro.com). To request additional information or a hard copy of the policy, or to file a complaint, please contact

Metropolitan Washington Airports Authority  
Richard Gordon  
Equal Opportunity Programs Department  
1 Aviation Circle  
Washington, DC 20001-6000  
703-417-8625  
Email: [Richard.gordon@mwa.com](mailto:Richard.gordon@mwa.com)

Complaints may also be filed directly with the Federal Transit Administration by filing with the:

Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

## **2. Instructions on Filing Discrimination Complaints**

The Airports Authority is committed to a policy of nondiscrimination in the conduct of its business, including its Title VI responsibilities. Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Any person who believes he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint with the Airports Authority within 180 days from the date of the alleged discrimination.

The Airports Authority encourages use of the Title VI Complaint form in English or Spanish. A copy of the Title VI Complaint Form is available by calling (703) 417-8625, or by visiting <http://www.dullesmetro.com>

Complaints filed with the Airports Authority should be addressed to:

Metropolitan Washington Airports Authority  
Equal Opportunity Programs Department  
1 Aviation Circle  
Washington, DC 20001-6000.

Complaints can also be filed directly to the U.S. Department of Transportation addressed to:

Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

All complaints will be investigated promptly. Once received, the complaint will be recorded by the Airports Authority and assigned to an investigator. In instances where additional information is needed, the investigator will contact the complainant in writing. Failure of the complainant to provide the requested information by a certain date may result in the administrative closure of the complaint or a delay in complaint resolution.

Following receipt of all required information, the Equal Opportunity Programs Department will investigate a Title VI complaint within 90 days of receipt. The investigator will prepare a draft written response subject to review by the Airports Authority's Equal Opportunity Programs Manager. The Equal Opportunity Programs Department will make the final determination and approve the final response to the complainant, including notifying the complainant of his/her right to file a complaint externally.

The Equal Opportunity Programs Department will use its best efforts to respond to a Title VI complaint within ninety (90) calendar days of its receipt of the complaint. Receipt of additional relevant information and/or the simultaneous filing of complaint with the Airports Authority and an external entity may expand the timing of the complaint resolution.

An Example Complaint Form is found on the next Page.

**Metropolitan Washington Airports Authority**

**TITLE VI COMPLAINT FORM**

The Metropolitan Washington Airports Authority is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination.

The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact the Equal Opportunity Programs Manager by calling (703) 417-8625.

The completed form must be returned to the Metropolitan Washington Airports Authority, Equal Opportunity Programs Department, 1 Aviation Circle, Washington, DC 20001 or by email at [richard.gordon@mwa.com](mailto:richard.gordon@mwa.com)

1. Complainant's name: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_
4. Telephone Number(home): \_\_\_\_\_ (business): \_\_\_\_\_
5. Person discriminated against (if someone other than the complainant):  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
6. Which of the following best describes why the alleged discrimination took place?  
 Race  
 Color  
 National Origin (limited English proficiency)
7. What date did the alleged discrimination take place? \_\_\_\_\_
8. In your own words, describe the alleged discrimination. Explain what happened and what policy, program, activity or person you believe was discriminatory.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? Yes  No
10. If yes, please provide information about a contact person at the agency/court where the complaint was filed.  
\_\_\_\_\_
11. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

### **3. List of Investigations, Complaints, or Lawsuits**

This is the Airports Authority's Third Submittal to the Title VI Program. During the period covered by previous Title VI Programs (September 2008 – October 2014), the Airports Authority did not have any Title VI investigations, complaints or lawsuits filed against it with respect to the DCMP.

The Metropolitan Washington Airports Authority's (Airports Authority) Equal Opportunity Programs Department will maintain a list of active Title VI complaints filed against the Airports Authority, and all investigations undertaken by or on behalf of the Airports Authority. The status of each complaint and investigation will also be tracked. The Airports Authority's Office of General Counsel will maintain a list and track all Title VI lawsuits filed against the Airports Authority. Lists shall include the date the investigation, lawsuit or complaint was filed or commenced, a summary of the allegation(s); the status of the investigation, lawsuit or complaint; and actions taken by the Airports Authority in response to the investigation, lawsuit or complaint.

### **4. Public Participation Policy and Outreach Plan**

The Rail Project has contractually required the implementation of Communications Plan and Outreach Plans (Attachment 1 and 2) to facilitate timely communications with all businesses and neighborhoods impacted by utility relocations and construction. The goals of the Communication Plan are to communicate early and often and to provide timely, frequent and accurate information to a wide variety of community audiences, including those mentioned above and more specifically commuters, residents, media, elected officials major employers and employees.

Key Elements include:

1. The Airports Authority oversees the execution of the outreach plan and maintains the lead role in all media relations by managing all contractors supporting that effort.
2. The Airports Authority maintains two-way communications with state, local and other elected officials and provides those offices with current information.
3. The Authority has established professional relationships with reporters on the major dailies and the smaller community newspapers, TV, Radio and online.
4. The Airports Authority and the Prime Contractors have developed a collaborative Crisis Communications Plan and Transportation Management Communications Plan targeted at Tyson's Corner business and neighborhoods. In cooperation with Fairfax County, and the Virginia Department of Rail and Public Transportation. Similar plans have been developed for Dulles Airport, Reston, Herndon, Loudoun, and the Western Dulles Corridor.

Community outreach for the Dulles Corridor Metrorail Project, Phase 1 of which opened to the public on July 26, 2014 continues on an accelerated pace to ensure that all publics are well informed about the project and the impacts its construction and opening has on their daily lives and the communities in which they reside. Newsletters are distributed in English and Spanish are produced monthly and circulated among project stakeholders and residents in print and on-line. Weekly and daily traffic and pedestrian safety alerts are distributed in English and Spanish as needed. Translators, sign language specialists and interpreters are available upon request as needed for public meetings and available for public hearings.

The number of outreach events has increases steadily since construction started in 2009 and increased dramatically in late 2013 and 2014 as the project moved toward completion and opening. Many joint events involved the Washington Metropolitan Area Transit Authority, Fairfax County and MWAA were scheduled along with timely news releases on the progress toward opening. Project officials were often interviewed to increase public awareness via TV and radio interviews. Rail project outreach team members supported Fairfax County efforts to promote new bus routes to all economic levels of business and residential users, including participation in community events

As outlined in that plan, the Airports Authority Rail Communications Team continues to reach out and expand the stakeholder bases representing different constituencies and geographic areas, including Dulles International Airport and surrounding businesses. More than a dozen outreach meetings are held each month and airport area briefings are held on an as needed basis. In addition, the project team:

- Provides periodic (as needed) fact sheets and blast e-mails to all stakeholders
- Issues daily/weekly (as needed) traffic advisories through the Virginia Department of Transportation to media and stakeholders
- Provides real time traffic information to employees and commuters in the Dulles corridor
- Maintains a system to notify affected businesses of activities as needed
- Provides feedback systems through the project website
- Maintains and updates the project website
- Hosts information booths at fairs and festivals
- Provides project materials including brochures, maps, fact sheets, e-newsletters

**Table 1: Dulles Corridor Metrorail Project Outreach Services/Activities 2009-2014**

<b>Service/Activity</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>TOTAL</b>
Community Meetings	56	76	31	164	167	251	<b>745</b>
Business Meetings	128	151	65	164	282	478	<b>1268</b>
Community Festivals	5	5	7	8	11	1	<b>37</b>
Transportation							
Fairs/Events	1	1	3	14	16	1	<b>36</b>
Weekly Traffic Advisories	51	57	51	51	52	39	<b>301</b>
Traffic & Construction							
Alerts	55	162	331	354	294	214	<b>1410</b>
Mailings	2	28	27	15	7	0	<b>79</b>
Door to Door	15	16	7	4	3	0	<b>45</b>
Media	4	17	83	179	271	83	<b>637</b>
Education	2	3	1	20	21	7	<b>54</b>
<b>TOTAL</b>	<b>319</b>	<b>516</b>	<b>606</b>	<b>973</b>	<b>1124</b>	<b>1074</b>	<b>4612</b>

## **5. Limited English Proficiency (LEP) Language Assistance Plan**

### **Language Access Policy**

As the recipient of Federal Funds used in the construction of the DCMP, the Airports Authority has committed to taking reasonable steps to ensure meaningful access and effective communication to persons requiring language assistance in interactions with the Project. The primary public groups that interact with the Project are the travelers impacted by possible traffic obstructions and delays caused by construction activities and contractor's employees on the site of work.

The Project team is mindful that more than 200 languages/dialects are spoken within the counties. Analyses of the population in the vicinity of the DCMP site of work indicated several predominantly Hispanic neighborhoods potentially requiring Spanish translation of vital documents (Attachment 3 – Four Factor Review Process) and a significant population of primarily Spanish speaking craftsmen employed by contractors on the Project.

The Project team utilizes a full-time Spanish interpreter/translator to provide language assistance services in support of ongoing community outreach efforts and onsite labor compliance initiatives as necessary. If qualified interpreters or translations of vital documents are requested in languages other than Spanish, the Airports Authority will make resources available to accommodate those requests.

## **Safe Harbor Provisions**

Consistent with Safe Harbor Provisions the Airports Authority distributes all vital written material in English and Spanish. Project Information Updates(Attachment 4 – Fact Sheet), Traffic Alerts, Safety Notices and federally required Labor Notices (Employee Rights, Davis Bacon Posters) are considered vital documents and distributed or posted in English and Spanish.

Hispanic community newspapers in the region receive notices, press releases and traffic advisories. However, these publications generally prefer to have translations done by their own staffs. In addition, all Korean and Asian language newspapers in Loudoun and Fairfax counties receive the same materials.

## **Monitoring, Evaluation and Updating**

To continually improve LEP group access to language assistance The Airports Authority will constantly monitor the Bilingual Message Line and Email accounts for public comments. The Airports Authority will also sponsor and participate in frequent Community Outreach events.

The Plan will be evaluated yearly to determine if there are changes in:

- *Nature and importance of constructions activities to LEP persons.*
- *Whether existing assistance is meeting the needs of LEP persons attempting to obtain Project and employee rights information*
- *Whether the Project has effectively provided notice of sources of assistance to LEP groups.*
- *Whether Vital Documents are still viable and available.*
- *Whether new Vital Documents have been developed and require translation and for distribution to LEP language groups.*
- *Frequency of encounters and locations with LEP language groups.*
- *Proper staff training of implementation of the LEP plan.*

The Airports Authority will update the Language Access Plan Bi-annually or as necessary to ensure the scope and nature reflects updated community requests for language assistance and federal requirements.

## **6. Board Racial Breakdown**

The Metropolitan Washington Airports Authority is governed by a 17-member Board of Directors with seven members appointed by the Governor of Virginia, four by the Mayor of the District of Columbia, three by the Governor of Maryland and three by the President of the United States. The 17-member Board of Directors consist of eight (8) Caucasian males, four (4) African-American males, three (3) African-American females, and two (2) Caucasian females.

## **7. Sub recipient Title VI Compliance Plan**

Not applicable to Metropolitan Washington Airports Authority's Dulles Corridor Metrorail Project. There are no sub recipients of federal funds.

## **8. Maintenance Facility Equity Analysis**

Not applicable to Metropolitan Washington Airports Authority's Dulles Corridor Metrorail Project. Planned facilities will be constructed on previously acquired Airport property separated and inaccessible to the general public.

## **9. Additional Information**

The Metropolitan Washington Airports Authority is not a Fixed Route Provider, a State Transit Agency, or a Metropolitan Planning Organization. At the FTA's discretion the Airports Authority will provide other information required to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI regulations.



## **ATTACHMENTS TO TITLE VI PROGRAM UPDATE**

The following attachments are on file in the Board Office for review by Board members needing more detailed information on each of the attachments. The attachments may be revised from time to time to ensure compliance with the Title VI Program Update and DOT regulations. These revisions will be provided to the Board Office.

### **ATTACHMENT 1**

**Phase 1 Communications and Outreach Plan**

### **ATTACHMENT 2**

**Phase 2 Communications and Outreach Plan**

### **ATTACHMENT 3**

**Four Factor Review Process And  
Limited English Proficiency (LEP) Outreach Plan**

### **ATTACHMENT 4**

**Monthly Fact Sheets (Spanish and English)**

### **ATTACHMENT 5**

**Monthly Newsletter (Spanish and English)**

### **ATTACHMENT 6**

**FTA Certifications and Assurances Signature Pages**

### **ATTACHMENT 7**

**Board Resolution Approving Plan Update**